

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* THOMAS J. REDDIN, GLENDA M. BEHRLE, ROBERT J. GFELLER,  
LARUEL M. KIMBROUGH, RODNEY D. TABERT, THOMAS C.  
MCTHENIA, JR., and DANIEL J. WARREN

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Application 09/296,120  
Technology Center 3600

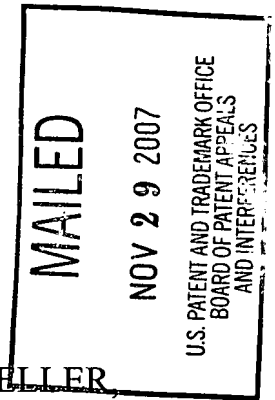
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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on November 16, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

The Examiner issued an Examiner's Answer, which mailed on March 14, 2007. As an attachment, the Examiner submitted Kotler, *Marketing Management, Analysis, Planning, Implementation and Control* 183-84 and 291. It is not clear if this reference constitutes new evidence not previously submitted. There is no mention of this reference in the Examiner's Answer. For the record, the Examiner needs to clarify his position for including this reference into the record by submitting a corrected Examiner's Answer.



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Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) To clarify for the written record the purpose of submitting the Kotler reference into the prosecution history; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: *Patrick J. Nolan*  
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

*SUTHERLAND ASBILL & BRENNAN LLP*  
*999 PEACHTREE STREET, N.E.*  
*ATLANTA, GA 30309*

PJN/hh